

REMARKS

Claims 21-45 are pending. By this Amendment, claims 21 and 35 are amended to clarify the features recited. Support for the amendment of claims 21 and 35 can be found throughout Applicant's specification. Thus, no new matter is added. Reconsideration of the application based on the above amendments and following remarks is respectfully requested.

Applicant notes with appreciation the allowance of claims 42 and 44 and the indication that claims 23-30, 33, 36, 37 and 41 recite allowable subject matter. Applicant respectfully submits that all pending claims are in condition for allowance as detailed below.

Applicant respectfully requests that the Patent Office consider and make of record the information contained in the Information Disclosure Statement filed on January 31, 2011.

Claims 21, 22, 31, 32, 34, 35, 38-40, 43 and 45 are rejected under 35 U.S.C. §102(e) over Shibazaki (U.S. Patent Application Publication No. 2007/0127006). This rejection is respectfully traversed.

Shibazaki is not available as prior art because Applicant's effective U.S. filing date of PCT/JP2005/002473 filed February 17, 2005 is prior to the August 11, 2005 publication date of Shibazaki's parent application PCT/JP-05-01076, which published in a non-English language, as WO 2005/074014. Because Shibazaki published in non-English, Shibazaki does not have a 35 U.S.C. §102(e) date. Further, Shibazaki does not qualify as prior art against this application under any other provision of 35 U.S. C. §102 because Applicant's effective U.S. filing date of February 17, 2005 is prior to the August 11, 2005 publication date of Shibazaki.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 35 and 38 are rejected under 35 U.S.C. §102(e) over Nijmeijer (U.S. Patent Application Publication No. 2004/0189964). The rejection is respectfully traversed.

Nijmeijer fails to disclose wherein a liquid is partially disposed on the second movable member or on the substrate held by the second movable member, at the measuring station, as recited in claim 35.

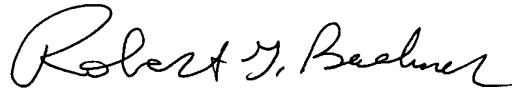
In rejecting Applicant's claims, the Office Action cites Nijmeijer paragraph [0014] as disclosing the above-quoted feature. The Office Action's analysis fails for at least the following reasons.

Nijmeijer discloses that the lithographic apparatus may utilize a liquid disposed between a final optical element of the projection system and the substrate. Nijmeijer fails to disclose a feature that can reasonably be interpreted to correspond to the above-quoted feature recited in claim 35. Accordingly, Nijmeijer also fails to disclose each and every feature recited in claim 38 for at least the dependence of claim 38 on claim 35 and for the separately patentable features that claim 38 recites. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 21-45 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition For Extension Of Time

Date: February 2, 2011

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